

REMARKS

Claims 13-24 are currently pending. By this Amendment, claims 13, 14, 16 and 17 have been amended, claims 15 and 18-24 have been cancelled and new claims 25-34 have been added.

Change In Art Unit

Applicant respectfully notes the change in art unit to Art Unit 2133.

Claim Objections

The Examiner objected to claims 19 and 22 as being unclear with respect to claimed elements. As mentioned previously, claims 19 and 22 have been cancelled. Applicant respectfully requests said rejections be withdrawn.

Claim Rejections – 35 U.S.C § 112, Second Paragraph

The Examiner rejected claims 19-24 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly define the subject matter which the Applicant regards as his invention. As mentioned previously, claims 19-24 have been cancelled. Applicant respectfully requests said rejections be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 13-24 under 35 U.S.C. § 103(a) as being unpatentable over Yamagami et al. (U.S. Patent No. 6,130,837) in view of Yoshito et al. (JP Publication No. 62290989). Applicant respectfully traverses said rejection.

The Yamagami et al. patent is directed toward a storage device utilizing flash memory. As noted by the Examiner, Yamagami et al. does not describe a display means for displaying the remaining amount of storage capacity in said spare memory upon a remaining amount of said storage capacity reaching a predetermined remaining capacity. For this element, the Examiner cites the Yoshito Abstract as disclosing a memory card in which such techniques are described.

For an Examiner to rely on a reference as a basis for rejection, the reference must be either in the field of the Applicant's endeavor or be reasonably pertinent to the problem with which the invention was concerned. MPEP 2141.01(a), citing In Re Oetiker, 977 F.2d 1443, (Fed. Cir. 1992). The present invention is directed toward the field of flash memory. The Yoshito reference is not associated with flash memory but is instead directed toward traditional bit storage memory. As noted by the Federal Circuit in Wang Laboratories, Inc. v. Toshiba Corp., 993 F.2d 858 (Fed. Cir. 1993), a cited reference is not necessarily in the same field of endeavor as the patent claims merely because both relate to memories. In Wang, the Federal Circuit determined that the patent claims and the cited reference were not analogous art even when they both addressed similar types of memory, i.e., SIMM's (Single Inline Memory Modules).

With respect to the cited references, Yamagami et al. is directed toward flash memory while Yoshito is directed toward traditional bit memory which is a tremendously different art. In light of Wang, it cannot reasonably be asserted that flash memory and traditional bit storage memory are analogous art. For these reasons, Yamagami et al. and Yoshito are directed toward nonanalogous art. Therefore, the combination of Yamagami et al. and Yoshito is inappropriate.

Secondly, the display capability of the Yoshito reference pertains to raw bit storage capacity as opposed to the present invention which displays operational status of the main

memory unit by indicating storage consumption of a spare memory unit. The display of the present invention serves the function of visibly indicating to a user when maintenance is required to the main memory unit by demonstrating that the spare memory, used when storage to the main memory cannot be accomplished, has been consumed. The display of the present invention is not directed to displaying a remaining available storage capacity but instead is directed toward displaying the operational status of the main memory units.

For the aforementioned reasons, Applicant respectfully asserts that the present invention is not unpatentable under 35 U.S.C. § 103(a). Applicant respectfully requests the Examiner withdraw said rejections.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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